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11 Attorneys for Jan Alan Lindsey

12  
13 UNITED STATES DISTRICT COURT  
14  
15 DISTRICT OF NEVADA

16 UNITED STATES OF AMERICA,

17 Plaintiff,  
18 vs.

19 JAN ALAN LINDSEY,

20 Defendant.

21 2:09-cr-077-JCM-PAL

22 **STIPULATION TO CONTINUE**  
**TRIAL DATES**  
(Fourth Request)

23 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,  
24 United States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the  
25 United States of America; and Franny A. Forsman, Federal Public Defender, and Shari L. Kaufman,  
Assistant Federal Public Defender, Counsel for JAN ALAN LINDSEY, that the calendar call  
scheduled for January 20, 2010, at the hour of 1:30 p.m., and trial currently scheduled for January  
25, 2010, at the hour of 9:00 a.m., be vacated and set to a date and time to be set by the court, but  
no event earlier than thirty (30) days.

26 This Stipulation is entered into for the following reasons:

27 1. That the parties are involved in negotiations which will obviate the need for  
trial in this matter. Additional time is requested to finalize the plea agreement.

2. The defendant is not incarcerated and does not object to the continuance.

3. The parties agree to the continuance.

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1           4. The additional time requested by this Stipulation is excludable in computing  
2 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
3 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),  
4 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(I) and  
5 3161(h)(7)(B)(iv).

6           This is the fourth request for continuance filed herein.

7           DATED this 22<sup>nd</sup> day of January, 2010.

8           FRANNY A. FORSMAN  
9           Federal Public Defender

6           DANIEL G. BOGDEN  
7           United States Attorney

10          By /s/ Shari L. Kaufman  
11          \_\_\_\_\_  
12          SHARI L. KAUFMAN  
13          Assistant Federal Public Defender  
14          Counsel for Defendant

10          By /s/ Eric Johnson for  
11          \_\_\_\_\_  
12          J. GREGORY DAMM  
13          Assistant United States Attorney  
14          Counsel for Plaintiff

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA,

2: 09-cr-077-JCM-PAL

5 Plaintiff,

**FINDINGS OF FACT, CONCLUSIONS**  
**OF LAW, AND ORDER**

6 vs.

7 JAN ALAN LINDSEY,

8 Defendant.

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court  
11 finds that:

- 12 1. That the parties are involved in negotiations which will obviate the need for  
13 trial in this matter. Additional time is requested to finalize the plea agreement.
- 14 2. The defendant is not incarcerated and does not object to the continuance.
- 15 3. The parties agree to the continuance.
- 16 4. The additional time requested by this Stipulation is excludable in computing  
17 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
18 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),  
19 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(I) and  
20 3161(h)(7)(B)(iv).

21 This is the fourth request for continuance filed herein.

22 For all of the above-stated reasons, the ends of justice would best be served by a  
23 continuance of the trial dates.

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## **CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, title 18, United States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A), when the considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

## ORDER

IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury instructions, and a list of the Government's prospective witnesses must be electronically filed to the Court by the **3rd day of March, 2010 by the hour of 1:30 p.m.**

IT IS FURTHER ORDERED that the calendar call scheduled for January 20, 2010, at the hour of 1:30 p.m.; be vacated and continued to **March 3, 2010 at 1:30 p.m.**, and the trial currently scheduled for January 25, 2010, at the hour of 9:00 a.m., be vacated and continued to **Monday, March 8, 2010 at 9:00 a.m.**

DATED 25th day of January, 2010.

DATED 25th day of January, 2010.

James C. Mahan  
UNITED STATES DISTRICT JUDGE